

JS 44
(Rev. 10/2003)

CIVIL COVER SHEET

IN CLERK'S OFFICE

U.S. DISTRICT COURT
OCT 14 2003

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1992, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

James Brown, Giovanni Cruz,
Juan Solis, individually and on
behalf of others similarly situated

DEFENDANTS

Brooklyn Office
International Electrical Security, Inc.,
International Business Machines
Corp., Peter Paterno, Michael Savinillo,
John Does and XYZ Corporations

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF
(EXCEPT IN U.S. PLAINTIFF CASES)

Queens

COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

Bailey & Sherman, P.C.,
42-21 Douglaston Parkway
Douglaston, NY 11363

ATTORNEYS (IF KNOWN)

03 5175

II. BASIS OF JURISDICTION (PLACE AN "X" IN ONE BOX ONLY)

☐ 1 U.S. Government
Plaintiff

☒ 3 Federal Question
(U.S. Government Not a Party)

☐ 2 U.S. Government
Defendant

☐ 4 Diversity
(Indicate Citizenship of Parties
in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES

(For Diversity Cases Only)

(PLACE AN "X" IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)

Citizen of This State ☒ 1 ☐ 1

Incorporated or Principal Place
of Business in This State

PTF DEF
☐ 4 ☒ 4

Citizen of Another State ☐ 2 ☐ 2

Incorporated and Principal Place
of Business in Another State

☐ 5 ☐ 5

Citizen or Subject of a
Foreign Country ☐ 3 ☐ 3

Foreign Nation

☐ 6 ☐ 6

VI. ORIGIN

(PLACE AN "X" IN ONE BOX ONLY)

☒ 1 Original
Proceeding

☐ 2 Removed from
State Court

☐ 3 Remanded from
Appellate Court

☐ 4 Reinstated or
Reopened

Transferred from
☐ 5 another district
(specify)

☐ 6 Multidistrict
Litigation

Appeal to District
Judge from
☐ 7 Magistrate
Judgment

AZRACK, J.

V. NATURE OF SUIT (PLACE AN "X" IN ONE BOX ONLY)

CONTRACT

- ☐ 110 Insurance
☐ 120 Marine
☐ 130 Miller Act
☐ 140 Negotiable Instrument
☐ 150 Recovery of Overpayment
and Enforcement of Judgment
☐ 151 Medicare Act
☐ 152 Recovery of Defaulted
Student Loans (Excl. Veterans)
☐ 153 Recovery of Overpayment
of Veterans' Benefits
☐ 160 Stockholders' Suits
☐ 190 Other Contract
☐ 195 Contract Product Liability

TORTS

PERSONAL INJURY

- ☐ 310 Airplane
☐ 315 Airplane Product
Liability
☐ 320 Assault Libel &
Slander
☐ 330 Federal Employers'
Liability
☐ 340 Marine
☐ 345 Marine Product
☐ 350 Motor Vehicle
☐ 355 Motor Vehicle
Product Liability
☐ 360 Other Personal Injury

PERSONAL INJURY

- ☐ 362 Personal Injury -
Med. Malpractice
☐ 365 Personal Injury -
Product Liability
☐ 368 Asbestos Personal
Injury Product Liability

PERSONAL PROPERTY

- ☐ 370 Other Fraud
☐ 371 Truth in Lending
☐ 380 Other Personal
Property Damage
☐ 385 Property Damage
Product Liability

PRISONER PETITIONS

- ☐ 510 Motions to Vacate
Sentence

HABEAS CORPUS:

- ☐ 630 General
☐ 635 Death Penalty
☐ 640 Mandamus & Other
☐ 650 Civil Rights
☐ 655 Prison Condition

FORFEITURE/PENALTY

- ☐ 610 Agriculture
☐ 620 Other Food & Drug
☐ 625 Drug Related Seizure
of Property 21
USC 881
☐ 630 Liquor Laws
☐ 640 R.R. & Truck
☐ 650 Airline Regs.
☐ 660 Occupational
Safety/Health
☐ 690 Other

LABOR

- ☒ 710 Fair Labor Standards
Act
☐ 720 Labor/Mgmt. Relations
☐ 730 Labor/Mgmt. Report-
ing & Disclosure Act
☐ 740 Railway Labor Act
☐ 700 Other Labor Litigation
☐ 791 Empl. Ret. Inc.
Security Act

BANKRUPTCY

- ☐ 422 Appeal 28 USC 158
☐ 423 Withdrawal
28 USC 167

PROPERTY RIGHTS

- ☐ 820 Copyrights
☐ 830 Patent
☐ 840 Trademark

SOCIAL SECURITY

- ☐ 861 HIA (1395f)
☐ 862 Black Lung (923)
☐ 863 DIWC/DIWW (405(g))
☐ 864 SSID Title XVI
☐ 865 RSI (405(g))

FEDERAL TAX SUITS

- ☐ 870 Taxes (U.S. Plaintiff
or Defendant)
☐ 871 IRS - Third Party
26 USC 7609

OTHER STATUTES

- ☐ 400 State Reapportionment
☐ 410 Antitrust
☐ 430 Banks and Banking
☐ 450 Commercial/ICC Rates/etc.
☐ 460 Deportation
☐ 470 Racketeer Influenced and
Corrupt Organizations
☐ 810 Selected Service
☐ 850 Securities/Commodities/
Exchange
☐ 875 Customer Challenge
12 USC 3410
☐ 891 Agricultural Acts
☐ 892 Economic Stabilization Act
☐ 893 Environmental Matters
☐ 894 Energy Allocation Act
☐ 895 Freedom of Information Act
☐ 900 Appeal of Fee Determination
Under Equal Access to Justice
☐ 950 Constitutionality of State Statutes
☐ 990 Other Statutory Actions

VI. CAUSE OF ACTION

(CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE BRIEF STATEMENT OF CAUSE.
DO NOT CITE JURISDICTIONAL UNLESS DIVERSITY.)

Action under 29 U.S.C. §§ 201-219, for unpaid prevailing wages
and/or overtime wages

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A
UNDER F.R.C.P. 23

CLASS ACTION

DEMAND\$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ YES ☐ NOVIII. RELATED CASE(S) (Civil or Criminal)
IF ANY See EDNY Division of Business Rule 50.3

JUDGE

DOCKET NUMBER

DATE

10-14-2003

SIGNATURE OF ATTORNEY OF RECORD

[Signature]

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

Block

MAG. JUDGE

AZRACK

5175

ARBITRATION CERTIFICATION

I, Edward G. Batley, counsel for plaintiffs
do hereby certify pursuant to the Local Arbitration Rule Section 3(c), that to the best
of my knowledge and belief the damages recoverable in the above captioned civil action exceed the sum of
\$150,000 exclusive of interest and costs.

Relief other than monetary damages is sought.

DISCLOSURE STATEMENT - FEDERAL RULES CIVIL PROCEDURE 7.1

Identify any parent corporation and any publicly held corporation that owns 10% or more of its stock:

Did the cause arise in Nassau or Suffolk County? No

If you answered yes, please indicate which county.

County of residence of plaintiff(s) (1) Queens
(2) Queens
(3) Queens

County of residence of defendant(s) (1) Queens
(2) Westchester
(3) Queens

I am currently admitted in the Eastern District of New York and currently a member in good
standing of the bar of this court.

Yes ☒

No ☐

Are you currently the subject of any disciplinary action(s) in this or any other state or federal
court?

Yes ☐ (If yes, please explain)

No ☒

Please provide your E-MAIL Address and bar code below. Your bar code consist of the initials of your
first and last name and the last four digits of your social security number or any other four digit number
registered by the attorney with the Clerk of Court.

(This information must be provided pursuant to local rule 11.1(b) of the civil rules) ATTORNEY
BAR CODE EB-9954

E-MAIL ADDRESS _____

I consent to the use of the electronic filing procedures adopted by the Court in Administrative Order No.
97-12, "In re Electronic Filing Procedures, (EFP)", and consent to the electronic service of all papers.

Sign: RL